UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/768,727	01/24/2001	Andreas Rippich	3134/WEICK	1224

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EXAMINER
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ART UNIT	PAPER NUMBER
2172	

DATE MAILED: 12/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	**Applicant(s)**
Office Action Summary	09/768,727	RIPPICH, ANDREAS
	Examiner	**Art Unit**
	Joon H. Hwang	2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>06 October 2003</u> .

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-25</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-25</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)	4)☐ Interview Summary (PTO-413) Paper No(s). _____ .
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	5)☐ Notice of Informal Patent Application (PTO-152)
3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6)☐ Other: .

DETAILED ACTION

1.   The applicant requested for reconsideration in the amendment received on

10/06/2003.

The pending claims are 1-25.

Response to Arguments

2.   Applicant's arguments filed in the amendment received on 10/06/03 have been

fully considered but they are not persuasive.

The applicant argues that Wasilewski does not teach auditing at least one of a

displayed set. However, the examiner respectfully traverses. Figures 8-10 in

Wasilewski shows choosing an item and/or operator in a displayed set. Wasilewski

shows after choosing a car item in figure 9, it immediately displays available items

related to only the car item. This teaches auditing at least one of a displayed set.

Therefore, the argument is not persuasive.

In response to applicant's arguments against the references individually, one

cannot show nonobviousness by attacking references individually where the rejections

are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208

USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir.

1986).

"Test of obviousness is not whether features of secondary reference may be

bodily incorporated into primary reference's structure, nor whether claimed invention is

expressly suggested in any one or all of references; rather, **test is what combined**

teachings of references would have suggested to those of ordinary skill in art." In

re Keller, Terry, and Davies, 208 USPQ 871 (CCPA 1981).

"Prima facie case of obviousness is established when **teachings of prior art**

appear to suggest claimed subject matter to person of ordinary skill in art; it is

incumbent upon applicant to go forward with objective evidence of nobviousness once

prima facie case is established." In re Rinehart (CCPA) 189 USPQ 143 Decided Mar.

11, 1976 No. 75-608 U.S. Court of Customs and Patent Appeals.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1-7, 9, 12-21, and 23-25 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Wasilewski (U.S. Patent No. 6,374,275) in view of Bowman et al.

(U.S. Patent No. 6,006,225).

With respect to claim 1, Wasilewski discloses performing an initialization step

comprising entering a search term by choosing at least one item of a displayed set of

contents or entries of a database in a network (figs. 8-11, lines 9-51 in col. 2, lines 15-

55 in col. 3 and line 44 in col. 4 thru line 19 in col. 5). Wasilewski discloses entering at

least one search command being defined by at least one operator chosen from a set of

operators specifying an operation to be performed in relation to the chosen items and

the database and at least one item chosen from the displayed set of contents or entries (figs. 8-11 and lines 6-59 in col. 7). Wasilewski discloses auditing at least one of a displayed set in response to the chosen operator (figs. 8-11 and lines 6-59 in col. 7). Wasilewski discloses displaying in a visible manner remaining contents or entries of the displayed set that can produce or indicate a result (figs. 8-11, lines 6-59 in col. 7, and lines 13-33 in col. 8). Wasilewski is silent on eliminating from a set all impossible items, which would produce an unwanted result at the end of a database search. However, Bowman discloses eliminating impossible items, which would produce an unwanted result at the end of a database search, and auditing and eliminating being performed by an automatic auditing processor (line 28 in col. 2 thru line 30 in col. 3, lines 32-35 in col. 4, lines 42-55 in col. 9, and lines 42-67 in col. 12) in order to prevent a NULL query result. Therefore, based on Wasilewski in view of Bowman, it would have been obvious to one having ordinary skill in the art at the time the invention was made to eliminate all impossible items in a query searching in order to prevent a NULL query result.

With respect to claim 2, Wasilewski discloses displaying contents of the database in a list (figs. 8-11).

With respect to claim 3, Wasilewski discloses displaying contents in a hierarchical order (figs. 8-11).

With respect to claim 4, Bownman discloses unwanted result corresponding to a nullity (line 28 in col. 2 thru line 30 in col. 3, lines 32-35 in col. 4, lines 42-55 in col. 9, and lines 42-67 in col. 12). The limitations of claim 4 are rejected in the analysis of claim 1 above, and the claim is rejected on that basis.

With respect to claim 5, Bownman discloses wanted result corresponding to a nullity (lines 23-25 in col. 3). The limitations of claim 5 are rejected in the analysis of claim 1 above, and the claim is rejected on that basis.

With respect to claim 6, Wasilewski discloses the displayed set of contents of the database is a subset of all contents of the databases (figs. 8-11).

With respect to claim 7, Bowman discloses excluding potentially weak correlation terms (lines 40-55 in col. 9). The limitations of claim 7 are rejected in the analysis of claim 1 above, and the claim is rejected on that basis.

With respect to claim 9, Wasilewski discloses entering search commands by a conventional computer mouse-clicking mechanism (lines 15-55 in col. 3 and fig. 7).

With respect to claim 12, Wasilewski discloses representing contents of the database by text (figs. 8-11).

With respect to claim 13, Wasilewski discloses representing contents of the database by image (lines 44-50 in col. 5).

With respect to claim 14, Wasilewski discloses URLs and a television for browsing a network and a database, which teach video or audio segments in database could be retrieved by URLs and the television (lines 32-43 in col. 1).

With respect to claim 15, Wasilewski discloses merging a displayed list of database entries with operators to form a hybrid search term (figs. 8-11 and lines 6-43 in col. 7).

With respect to claim 16, Wasilewski discloses a logical operator comprising a plurality of combined single operators (figs. 8-11 and lines 6-43 in col. 7).

With respect to claim 17, Bowman further discloses displaying a search result list (fig. 9). Therefore, the limitations of claim 18 are rejected in the analysis of claim 1 above, and the claim is rejected on that basis.

With respect to claim 18, Bowman further discloses displaying a search result list (fig. 9). Therefore, the limitations of claim 18 are rejected in the analysis of claim 1 above, and the claim is rejected on that basis.

The limitations of claim 19 are rejected in the analysis of claim 18 above, and the claim is rejected on that basis.

With respect to claim 20, Wasilewski discloses Boolean operations (figs. 8-11 and lines 6-43 in col. 7).

With respect to claim 21, Wasilewski discloses a logical operator comprising a plurality of combined single operators (figs. 8-11 and lines 6-43 in col. 7).

The limitations of claim 23-25 are rejected in the analysis of claim 1 above, and these claims are rejected on that basis.

5.   Claim 8, 11, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wasilewski (U.S. Patent No. 6,374,275) in view of Bowman et al. (U.S. Patent No. 6,006,225), and further in view of Wilson et al. (U.S. Patent No. 5,963,938).

With respect to claim 8, Wasilewski and Bowman disclose the claimed subject matter as discussed above except eliminating any operation term. However, Wilson discloses operators and operands (fig. 3, fig. 9, fig. 12, and lines 15-20 in col. 2). Wilson discloses limiting possible (logical) operators for a particular argument (lines 8-

15 in col. 10, and lines 2-6 in col. 7). Therefore, based on Wasilewski in view of Bowman, and further in view of Wilson, it would have been obvious to one having ordinary skill in the art at the time the invention was made to eliminate all impossible items and operators in a query searching in order to prevent a NULL query result.

The limitations of claim 11 are rejected in the analysis of claim 8 above, and the claim is rejected on that basis.

With respect to claim 22, Wasilewski discloses performing an initialization step comprising entering a search term by choosing at least one item of a displayed set of contents or entries of a database in a network (figs. 8-11, lines 9-51 in col. 2, lines 15-55 in col. 3 and line 44 in col. 4 thru line 19 in col. 5). Wasilewski discloses entering at least one search command being defined by at least one operator chosen from a set of operators specifying an operation to be performed in relation to the chosen items and the database and at least one item chosen from the displayed set of contents or entries (figs. 8-11 and lines 6-59 in col. 7). Wasilewski discloses auditing at least one of a displayed set in response to the chosen operator (figs. 8-11 and lines 6-59 in col. 7). Wasilewski discloses displaying in a visible manner remaining contents or entries of the displayed set that can produce or indicate a result (figs. 8-11, lines 6-59 in col. 7, and lines 13-33 in col. 8). Wasilewski is silent on eliminating from a set all impossible items, which would produce an unwanted result at the end of a database search. However, Bowman discloses eliminating impossible items, which would produce an unwanted result at the end of a database search, and auditing and eliminating being performed by an automatic auditing processor (line 28 in col. 2 thru line 30 in col. 3, lines 32-35 in col.

4, lines 42-55 in col. 9, and lines 42-67 in col. 12) in order to prevent a NULL query

result. Furthermore, Wilson discloses operators and operands (fig. 3, fig. 9, fig. 12, and

lines 15-20 in col. 2). Wilson discloses limiting possible (logical) operators for a

particular argument (lines 8-15 in col. 10, and lines 2-6 in col. 7). Therefore, based on

Wasilewski in view of Bowman, and further in view of Wilson, it would have been

obvious to one having ordinary skill in the art at the time the invention was made to

eliminate all impossible items and operators in a query searching in order to prevent a

NULL query result.

6. .   Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Wasilewski (U.S. Patent No. 6,374,275) in view of Bowman et al. (U.S. Patent No.

6,006,225), and further in view of Carey et al. (U.S. Patent No. 5,905,982).

With respect to claim 10, Wasilewski and Bowman disclose the claimed subject

matter as discussed above except a SQL query. However, Carey discloses a SQL

query for searching a database including relational and object oriented (abstract, lines

33-62 in col. 1, line 65 in col. 5 thru line 35 in col. 6). Therefore, based on Wasilewski

in view of Bowman, and further in view of Carey, it would have been obvious to one

having ordinary skill in the art at the time the invention was made to utilize a SQL query

for searching a database, such as a relational and object oriented database.

Conclusion

7.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

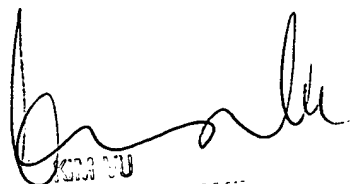policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

8.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Joon H. Hwang whose telephone number is 703-305-

6469. The examiner can normally be reached on 9:30-6:00(M~F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kim Y Vu can be reached on 703-305-4393. The fax phone numbers for the

organization where this application or proceeding is assigned are (703) 872-9306 for

regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is 703-305-

3900.

Joon Hwang
December 13, 2003

SUPERVISORY PATENT EXA
TECHNOLOGY CENTER 21